# REMARKS/ARGUMENTS

In the Office Action mailed June 4, 2009, claims 1-15 were rejected. In response, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

## Claim Rejections under 35 U.S.C. 102

Claims 1-15 were rejected under 35 U.S.C. 102(a) as being anticipated by Proudler et al. (EP 1280042, hereinafter Proudler). However, Applicants respectfully submit that these claims are patentable over Proudler for the reasons provided below.

### Independent Claim 1

Applicants submit that claim 1 is patentable over the cited reference of Proudler because Proudler does not disclose all the limitations of the claim. Claim 1 recites:

> A method of identifying and/or verifying hardware and/or software of an appliance and of a data carrier which is provided to cooperate with the appliance, the method comprising:
>> transmitting <u>first authorization data</u> of the hardware and/or software to a <u>first unit</u>,
>> comparing the first authorization data of the hardware and/or software that has been transmitted to the first unit with <u>first verification data stored in the first unit</u>,
>> authorizing the hardware and/or software once it has been ascertained that there is coincidence between the first authorization data provided by the hardware and/or software and the first verification data stored in the first unit,
>> transmitting <u>second authorization data</u> of a data carrier to a <u>second unit</u>,
>> comparing the second authorization data in the second unit with <u>second verification data stored in the second unit</u>, and
>> authorizing the data carrier if there is coincidence between the second authorization data and the second verification data stored in the second unit,
>> wherein a <u>direct data exchange is carried out between the first unit and the second unit</u>.
> (Emphasis added.)

Hence, the claim recites transmitting first authorization data to and storing first verification data on the first unit, as well as transmitting second authorization data to and

storing second verification data on the second unit. The claim also recites specifically comparing the authorization and verification data of each unit.

In contrast, Proudler does not disclose first authentication data and first verification data stored in the first unit or second authentication data and second verification data stored in the second unit, as recited in the language of the claim. Proudler discloses a verification process to identify the platform to a trusted device. Proudler, col. 5, lines 28-31. In particular, Proudler discloses sending a request to the trusted platform (TP) and receiving a response that is verified. Proudler further discloses "if data reported by the trusted device is the same as that provided by the TP, the user trusts the platform." Proudler, col. 5, lines 38-40. Proudler further discloses that once the process of trust is complete as described above, the user may then perform a secure transaction. Proudler, col. 5, paragraph 18. Therefore, Proudler does not disclose first authentication data, first verification data stored in the first unit, second authentication data, and second verification data stored in the second unit as recited in the language of the claim because Proudler does not disclose second authentication data and second verification data stored in the second unit. Proudler merely discloses a single exchange to establish a secure transaction.

However, in the Office Action mailed June 4, 2009, the Examiner appears to ignore the details of the language of the claim and simply cites:

> Regarding claim 1, Proudler discloses:...
>> transmitting second authorization data of a data carrier to a second unit (paragraph 0022, 0029, 0044; *verification between a smart card and a trusted device*);
>> comparing the second authorization data in the second unit with second verification data stored in the second unit (paragraph 0022, 0029, 0044; *verification between a smart card and a trusted device*)
> Office Action, mailed June 4, 2009, page 4 (emphasis in original).

The Office Action merely refers to general descriptions of the verification process between a smart card and a trusted device. However, even if the transmission disclosed by Proudler were considered to be first authorization and verification data, such general

descriptions of the verification process are insufficient to <u>specifically disclose</u> second authorization and verification data.

Furthermore, even if Proudler were to disclose both first authorization and verification data and second authorization and verification data, Proudler does not disclose the first authorization and verification data <u>related to a first unit</u> and the second authorization and verification data <u>related to a second unit</u>. Proudler simply discloses a single, discrete trusted device or unit within the trusted platform. Additionally, because Proudler does not disclose first and second units, Proudler cannot disclose a direct exchange carried out between the <u>first unit</u> and the <u>second unit</u>. Therefore, Proudler fails to disclose first authorization data and verification data stored in a first unit and second authorization data and verification data stored in a second unit, as recited in the claim.

For the reasons presented above, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose both first authorization data and verification data stored on a first unit <u>and</u> second authorization data and verification data stored on a second unit, as recited in the claim. Accordingly, Applicants respectfully assert claim 1 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

### Independent Claim 7

Applicants submit that claim 7 is patentable over the cited reference of Proudler because Proudler does not disclose all the limitations of the claim. Claim 7 recites:

> A circuit for identifying and/or verifying hardware and/or software of an appliance and of a data carrier which is provided to cooperate with the appliance, the circuit comprising:
>     <u>a first unit</u> for identifying and/or verifying the hardware and/or software of the appliance, <u>comprising a central arithmetic</u> unit and at least one memory and an interface to the hardware and/or software that is to be identified and/or verified, and
>     <u>a second unit comprising a central arithmetic unit</u> and at least one memory and an interface to an external data carrier and also an interface to the hardware and/or software,
>     wherein a communication interface is provided between the central arithmetic units of the first unit and the second unit.
> (Emphasis added.)

In contrast, Proudler does not disclose separate units each with a separate central arithmetic unit and at least one memory. Rather, Proudler merely describes a trusted device 24 and a smart card reader 12 within a trusted platform 10. Proudler, Fig. 6. Although Proudler describes the trusted device 24 as including a controller 30 and memory 3 and 4 (Proudler, Fig. 8), Proudler does not describe any components within the smart card reader 12. Furthermore, the components of the trusted device 24 should not be construed as a central arithmetic unit or memory of the smart card reader 12 because Proudler does not describe the smart card reader 12 having access to the components of the trusted device 24.

In support of the rejection, the Examiner asserts that:

> It is well-known in the art that a smart card reader has an
> arithmetic unit for calculating and comparing authentication data.
> Office Action, 6/4/2009, pages 2-3.

However, the Office Action does not offer any support or reasoning for this assertion. Proudler is clear in the disclosure of a single main processor (Proudler, paragraphs 23-26; and Fig. 7, main processor 21) to drive the processes of the trusted platform. Therefore, the assertion that the reader of Proudler purportedly includes an arithmetic unit is unfounded and unsupported by the prior art. Furthermore, Proudler does not describe the smart card reader 12 as sharing or even having access to the main processor 21 or the memory 22 of the motherboard 20. Therefore, the components of the motherboard 20 should not be construed as a central arithmetic unit or memory of the smart card reader 12 because Proudler does not describe the smart card reader 12 having access to the components of the motherboard 20. Therefore, Proudler does not describe multiple units that each includes a central arithmetic unit and at least one memory, as recited in the claim.

For the reasons presented above, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose first and second units that each include a central arithmetic unit and at least one memory, as recited in the claim. Accordingly, Applicants respectfully assert claim 7 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

<u>Dependent Claims</u>

Claims 2-6 and 8-15 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 7. Applicants respectfully assert claims 2-6 and 8-15 are allowable based on allowable base claims. Additionally, each of claims 2-6 and 8-15 may be allowable for further reasons, as described below.

In regard to claim 4, Applicants respectfully submit that claim 4 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 4 recites "a central arithmetic unit of the first unit and a central arithmetic unit of the second unit <u>jointly access</u> at least one ROM memory one RAM memory and/or one non-volatile memory" (emphasis added). In contrast, Proudler does not disclose multiple central arithmetic units that jointly access memory, at least because Proudler does not disclose <u>multiple central arithmetic units</u> of first and second units, as explained above with respect to the rejection of claim 1. Moreover, even if Proudler were to describe multiple central arithmetic units, Proudler does not describe multiple central arithmetic units <u>jointly accessing a memory device</u>. In other words, there is no description in Proudler of a memory that is <u>jointly</u> accessed by multiple central arithmetic units. Even though the Examiner cites the measurement function of Proudler, Applicants assert that the measurement function disclosed in Proudler does not describe multiple central arithmetic units from the first and second unit each jointly accessing a memory. Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose multiple central arithmetic units jointly accessing memory, as recited in the claim. Accordingly, Applicants respectfully assert claim 4 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

In regard to claim 5, Applicants respectfully submit that claim 5 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim. Claim 5 recites "<u>encryption of the first authorization data and of the second authorization data</u> is carried out in the first unit and in the second unit" (emphasis added). In contrast, Proudler does not disclose encryption of first and second authorization data, at least because Proudler does not disclose both first and second authorization data, as explained above with respect to the rejection of claim 1. Therefore, Proudler does not disclose all of the limitations of the claim because Proudler does not disclose encrypting both first

and second authorization data, as recited in the claim. Even though the Examiner broadly cites "paragraph 0019, paragraph 0051: cryptographic processes," the Examiner fails to provide any reasoning or support in the purported rejection of claim 5 because the cited portions of Proudler do not disclose encrypting both first and second authorization data, as recited in the claim. Accordingly, Applicants respectfully assert claim 5 is patentable over Proudler because Proudler does not disclose all of the limitations of the claim.

Applicants respectfully assert claim 9 is patentable over Proudler at least for similar reasons to those stated above in regard to the rejection of claim 4. Here, although the language of claim 9 differs from the language of claim 4, and the scope of claim 9 should be interpreted independently of claim 4, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 4 also apply to the rejection of claim 9. In particular, claim 9 recites "the ROM memories and/or the RAM memories and/or the non-volatile memories of the first unit and of the second unit are in each case combined to form a common ROM memory and/or a common RAM memory and/or a common non-volatile memory" (emphasis added). As explained above, Proudler does not describe a common memory that is jointly accessed by first and second units. Even though the Examiner repeats the citation used with regard to claim 4, Applicants submit that the measurement function disclosed in Proudler does not describe memory units from the first and second unit combined to jointly form a common memory. Accordingly, Applicants respectfully assert claim 9 is patentable over Proudler because Proudler does not disclose a common memory.

# CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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